THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.8155 of 1997

Dated:24.1.2007

Between
D.Satyavathi

.....Petitioner

and

The Zonal Manager, Life Insurance
Corporation of India and others.
Regional Manager, APSRTC,
Khammam

...Respondents

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.8155 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings dated 4.4.1997 terminating the services of the petitioner as a temporary Typist, as arbitrary and illegal.

It appears that the petitioner was appointed as a temporary assistant in the Zonal Office of Life Insurance Corporation of India with effect from 3.1.1995. When his services were sought to be terminated, he filed writ petition No.9864 of 1995. On 16.5.1995 in WPMP No.12215 of 1995, an interim order was passed directing the respondents herein to continue the petitioner in service as Typist-cum-Assistant till a regular

candidate is appointed in that place. Subsequently, in view of the said interim orders, the said writ petition was closed.

According to the petitioner, 3rd respondent issued the impugned proceedings terminating the services of the petitioner on the ground that permanent typist has been recruited. Therefore, action of the respondents is highly arbitrary and illegal and is liable to be set aside. It is his contention that this Court by an interim order dated 16.5.95 specifically directed the respondents to continue the petitioner till the vacancy against which he was working is filled by regularly appointed employee. The petitioner is working in a vacancy meant for SC candidate. He also belongs to SC community and so far, the 2nd respondent has not recruited any SC regular employee to replace the

petitioner. It is his further contention that one OBC candidate is selected and the petitioner was sought to be terminated.

A detailed counter-affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. It is stated that the permanent vacancy has to be filled up only by a SC candidate is without any substance. The assumption that the petitioner is working in a vacancy exclusively meant for SC community and that the Corporation has not recruited any SC regular employee to replace the petitioner is not correct. Recruitment was made strictly in accordance with Recruitment Rules and Panels are prepared separately keeping in view the reservations to various categories as a whole i.e., for the entire division, depending on the roster points for the

Division. The appointments are on Divisional basis and not branch-wise. A post is not meant for this category or that category. On the basis of the total number of vacancies, reservations for various categories are worked out and filled up according to the roster points. Further, the respondents have asserted that the roster systems have been followed and the vacancy against which the petitioner was working, was never ear-marked for SC candidates.

In view of the said assertions, it is clear that the impugned order was passed only in terms of the interim order dated 16.5.1995 in the earlier writ petition. Hence, it cannot be said that passing of the impugned order by the respondents is either arbitrary or illegal. No interference can be made by this Court under Article 226 of the

Constitution of India. Writ petition is devoid of merits and it is liable to be dismissed.

Writ petition is accordingly, dismissed. No costs.

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24.01.2007

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